

**City of Fayetteville**  
**Regular Mayor and City Council Meeting**  
**Minutes**  
**November 20, 2014**

**Call to Order**

The Mayor and City Council of Fayetteville met in regular session on November 20, 2014 at 7:00 p.m. in the Council Chambers at City Hall. Mayor Clifton called the meeting to order, followed by Opening Prayer led by Rev. Mark Westmoreland and then led those attending in the Pledge of Allegiance to the Flag. Council members present were: Mickey Edwards, Edward Johnson, Scott Stacy and James Williams. Councilmember Oddo was absent. Staff members present were City Manager Ray Gibson and City Clerk Anne Barksdale.

Stacy moved to approve the minutes of the regular Council Meeting of November 6, 2014. Johnson seconded the motion. Motion carried unanimously.

**Recognition and Presentations:**

Mayor Clifton called Bob Ross, Co-Chairman of the Fayette Chamber Visioning Initiative to present an update on the Visioning Initiative. Mr. Ross and Ms. Larris Marks gave the presentation.

**Public Hearings:**

Mayor Clifton called Consider Ordinance #0-18-14 – Rezoning from RP (Residential Professional) to C-1 (Downtown Commercial) for 275 Lee Street – Public Hearing and 1<sup>st</sup> Reading.

Mayor Clifton read the required Zoning Standards Conflict statement.

Mayor Clifton stated that Georgia Law requires that certain disclosures have to be made when considering any rezoning.

Mayor Clifton asked the Council “to the best of your knowledge gentlemen do you or any member of your family have a property interest in any real property that could be affected beneficially or adversely by the approval or denial of the petitions for rezoning that are under consideration?”

All Council Members and Mayor Clifton responded no.

Mayor Clifton asked the Council “to the best of your knowledge do you or any member of your family have a financial interest in any business entity which has a property interest in any real property that could be affected, beneficially or adversely, by the approval or denial of the petition for rezoning that is under consideration?”

All Council Members and Mayor Clifton responded no.

Mayor Clifton asked the City Clerk “to state whether any applicant for rezoning has filed a campaign contribution disclosure report in connection with the petition for rezoning and if so, will the Clerk please indicate whether the applicant made any campaign contributions to the Mayor or a member of the Council aggregating \$250.00 or more within the two (2) years preceding the filing of the petition for rezoning.

Anne Barksdale, City Clerk, responded that no disclosure reports had been filed.

Mayor Clifton stated that if any member of the public speaks in opposition to the petitions for rezoning, they must first state whether, within the two years immediately preceding the filing of the petition for rezoning that you oppose, you made campaign contributions aggregating \$250.00 or more to the Mayor or any other member of the City Council. If you have, please state whether you have filed a disclosure report with the city within five days of the first hearing on these petitions for rezoning.

Mayor Clifton requested that any member of the public that speaks in support or opposition of the petition for rezoning coming under consideration, state their name and address for the record.

Mayor Clifton stated that written copies of the zoning standards and the policies and procedures governing the calling and conducting of these hearings are available from the City Clerk if anyone would like a copy.

Mr. Jim Dutton, owner of the property described the home and ideas for possible uses and answered questions from Council.

Brian Wismer, Director of Community Development stated that the applicant is seeking to rezone a 0.37 acre property located at 275 Lee Street in the Main Street Historic District. The property is currently zoned RP (Residential Professional) which allows for residential and limited professional, educational, institutional and business uses (not including retail sales). The applicant is seeking C-1 (Downtown Commercial) zoning to provide greater flexibility in leasing the property which has been vacant for several years. Adjacent zonings are RP to the north, south and west, with R-22 across the street to the east. C-1 and C-3 zoned lots are also within close proximity. The FLU Map calls for Downtown Mixed Use in this area.

He said at the October 28, 2014 meeting, P&Z Commissioners reviewed this rezoning request and gave a favorable recommendation to Mayor and Council for the proposed rezoning.

Mr. Wismer explained the following details of the property/zoning:

### ***City Ordinance***

The C-1 zone is described in Sec. 94-165 as follows:

*The downtown historic mixed use district is intended to be the mixed use, pedestrian oriented, central business district of the City of Fayetteville. It includes commercial uses appropriate for high-visibility locations such as employment centers and the intersections of arterial streets. The purpose of the district is to concentrate commercial uses, spatially define streets, encourage higher site and building design standards, and create a more attractive pedestrian environment. Uses incompatible with this purpose, such as auto-related or big box retail, are not allowed. All uses and structures will be sited and designed to be compatible with one another and to be bike and pedestrian friendly.*

The property is near the historic town center with an existing two-story office building that could be potentially used for less intensive commercial retail and live/work applications which are appropriate in the district.

### ***Comp Plan/Future Land Use***

The Comprehensive Plan places this property in the *Downtown Mixed Use* character area. Within Downtown Mixed Use, the following description is given:

*This area is characterized by a balanced mix of uses that includes commercial retail and services, offices appropriate densities of residential uses, open space, and public/institutional. The goal within this land use area is to promote creative and innovative redevelopment while preserving existing cultural resources.*

In this instance, the proposed zoning is nearly identical with the Future Land Use category for this area and was specifically designed to be in agreement with one another.

### **Rezoning Standards for Review**

- 1. Will the zoning proposal permit a use that is incompatible with existing uses and zoning of adjacent and nearby property? Can such incompatibility be mitigated?*

No. C-1 zoned properties are in close proximity to the subject property and throughout the Main Street District.

- 2. Is the zoning proposal in conformity with goals, policies and intent of the future land use plan for the physical development of the area?*

Yes. The FLU Map calls for Downtown Mixed Use for this parcel and neighboring parcels.

3. *Will the zoning proposal adversely affect the existing use or usability of adjacent or nearby property?*

No. The proposed use is compatible with the surrounding mixed uses. Although some historic residential uses still exist nearby, the district encourages a mixed-use environment.

4. *Are the present zoning district boundaries illogically drawn in relation to existing conditions in the area?*

No.

5. *Is the change requested out of scale with the needs of the City as a whole or the immediate neighborhood?*

No. See #2.

6. *Is there reasonable evidence based upon existing and anticipated land use that would indicate a mistake was made in the original zoning of the property?*

No.

## **B. SOCIO-ECONOMIC FACTORS**

1. *Are there existing or changing conditions affecting the use or development of the property which give supporting grounds for either approval or disapproval of the zoning proposal?*

Yes. The current RP zoning does not allow for retail sales, limiting the leasing options for the property owner. The proposed C-1 rezoning allows and encourages a mixture of uses including retail sales and live/work

2. *Does the subject property have a reasonable economic use as currently zoned?*

Yes, although interest in the property has been primarily for retail sales uses and not for uses permitted in its current zoning category.

3. *Has the property been undeveloped an unusual length of time as currently zoned, considered in the context of land development in the vicinity of the property?*

Not undeveloped, but underutilized. The property has been vacant for several years.

4. *Is it possible to find adequate sites already appropriately zoned for the permitted uses in the zoning district proposed in the general service area of the subject property?*

Yes. However the rezoning request is for a particular parcel owned by the applicant and is being requested to provide for greater flexibility in utilizing a developed property. The uses granted within C-1 are not unreasonable at this location.

Mr. Wismer said the subject property has been vacant for several years with limited interest in the property other than for retail sales similar to Earth Mama's located just north of the subject property. The rezoning request is in agreement with the Comp Plan and FLU Map. Because of these factors, an approval of the requested rezoning is appropriate.

Mayor Clifton stated this was posted for 1<sup>st</sup> Reading.

Mayor Clifton called Consider Ordinance #0-19-14 – Amendment to Chapter 94, Section 320 regarding Architectural Guidelines – 1<sup>st</sup> Reading.

Brian Wismer, Director of Community Development stated Staff has researched the local residential housing product that has been built in the City over many decades and discovered that the attention to architectural detail that was common place in the older homes has slowly and gradually diminished when compared to homes built within the last 30 years. A commonality that likely explains this is the prevalence of large-scale “production” builders in today's housing market. While the economics of production building certainly make sense; when left unchecked, it can lead to monotony within the neighborhood and throughout the City's housing stock. This issue is prevalent across the country and certainly not unique to the City of Fayetteville. However, in an effort to encourage residential development that will stand above the typical suburban model, staff has researched best practices through the American Planning Association (APA) and other communities to create a set of minimum architectural standards for City Council to consider.

He said overall, these minimum standards will work together to ensure that a higher level of attention is paid to architectural detail on all sides of the home; getting away from the typical “false front” model which often leaves the side and rear elevations barren and unattractive. If these basic measures are implemented, the City's housing inventory henceforth is more likely to be recognized as superior in quality and unique compared to other communities with whom we compete. This can, in turn, contribute to higher demand and more sustainable home values over the long term and will raise the bar for all future development.

For many years, the City has implemented minimum architectural guidelines for commercial development, but remained largely silent on residential development. Because of this, and the reasons stated earlier, Staff recommends approval of the ordinance amendments as submitted.

Mayor Clifton stated this was posted for 1<sup>st</sup> Reading.

### **City Manager and Staff Reports:**

Ray Gibson, City Manager stated we have tentatively set the date for the Council Retreat to be held February 25<sup>th</sup> and 26<sup>th</sup> at the Old Courthouse, 3<sup>rd</sup> floor.

Brian Wismer, Director of Community Development stated the Christmas Parade and Tree Lighting will be December 6<sup>th</sup> at the County complex. He encouraged other council members to take part in the parade. Brian said this will be the last year for the tree lighting to take place at the County Complex due to repairs/modifications on the fountain where the tree always stands. Next year it will be moved to the Old Courthouse property.

### **Mayor's Comments:**

Mayor Clifton said he wanted to correct the record from the last council meeting concerning payment of the sewer line extension for GMC (Georgia Military College). He explained that technically, legally GMC cannot pay for the capital improvements. The property is owned by Group VI Development group. The LLC (with Group VI as partners) will be responsible for refunding the City for the sewer extension, not GMC.

Mayor Clifton said not much going on with the deforestation issue on Highway 54 and Weatherly Walk.

Brian Wismer, Director of Community Development added we are meeting with our attorneys Monday for further discussions. Mayor Clifton said we need to move forward with this.

Mayor Clifton mentioned that the filming of "Ant Man" at Pinewood Studios should be completed on the 18<sup>th</sup> then they will begin filming their second movie December 8<sup>th</sup>.

Mayor Clifton said the Ribbon Cutting for the new Kroger Fuel Center on South Glynn Street will be tomorrow morning at 11:00 am.

Stacy moved to adjourn the meeting. Edwards seconded the motion. The motion carried unanimously.

Respectfully submitted,

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Anne Barksdale, City Clerk